

875—216.27(91D) Board, lodging, or other facilities.

216.27(1) In addition to keeping other records required by this chapter, an employer who makes deductions from the wages of the employees for “board, lodging, or other facilities” (as these terms are used in the definition of “wage” as stated in 875—subrule 215.3(23)) furnished to them by the employer or by an affiliated person, or who furnishes “board, lodging, or other facilities” to employees as an addition to wages, shall maintain and preserve records substantiating the cost of furnishing each class of facility except as noted in 216.27(3). Separate records of the cost of each item furnished to an employee need not be kept. The requirements may be met by keeping combined records of the costs incurred in furnishing each class of facility, such as housing, fuel, or merchandise furnished through a company store or commissary. Where cost records are kept for a “class” of facility rather than for each individual article furnished to employees, the records shall also show the gross income derived from each class of facility, e.g., gross rentals in the case of houses, total sales through the store or commissary, total receipts from sales of fuel.

a. The records shall include itemized accounts showing the nature and amount of any expenditures entering into the computation of the reasonable cost, as defined in 875—Chapter 217, and shall contain the data required to compute the amount of the depreciated investment in any assets allowable to the furnishing of the facilities, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets. If the assets include merchandise held for sale to employees, the records should contain data from which the average net investment in inventory can be determined.

b. No particular degree of itemization is prescribed. However, the amount of detail shown in these accounts should be consistent with good accounting practices and should be sufficient to enable the commissioner to verify the nature of the expenditure and the amount by reference to the basic records which must be preserved pursuant to 216.6(3) “*b.*”

216.27(2) The employer shall maintain records showing on a workweek basis those additions to or deductions from wages where additions to or deductions from wages paid so affect the total cash wages due in any workweek (even though the employee actually is paid on other than a workweek basis) as to result in the employee receiving less in cash than the applicable minimum hourly wage.

216.27(3) The records specified in this rule are not required with respect to an employee in any workweek in which the employee is not subject to the overtime provisions of the federal Fair Labor Standards Act, 29 U.S.C. 207, and receives not less than the applicable statutory minimum wage in cash for all hours worked in that workweek.

SOURCE: 29 CFR 516.27.